

# United States District Court

## Eastern District of Michigan

United States of America  
V.  
DAVID BERNHARDT

### JUDGMENT IN A CRIMINAL CASE

Case Number: 11CR20316-1  
USM Number: 45900-039

Robert D. Sheehan  
Defendant's Attorney

#### THE DEFENDANT:

■ Pled guilty to count(s) **1 of the Information.**

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
26 U.S.C. § 1343	Wire Fraud	April 13, 2010	1

The defendant is sentenced as provided in pages **2 through 5** of this judgment. This sentence is imposed pursuant to the Sentencing Reform Act of 1984

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

October 21, 2011

Date of Imposition of Judgment



s/Victoria A Roberts

United States District Judge

11/2/2011

Date Signed

DEFENDANT: DAVID BERNHARDT  
CASE NUMBER: 11CR20316-1

## **PROBATION**

The defendant is hereby sentenced to probation for a term of: 2 years.

The defendant shall not commit another federal, state or local crime.

If the defendant is convicted of a felony offense, DNA collection is required by Public Law 108-405.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court. Revocation of Probation is mandatory for possession of a controlled substance.

■ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse.

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

## **STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement; and
- 14) the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. Revocation of supervised release is mandatory for possession of a firearm.

DEFENDANT: DAVID BERNHARDT  
CASE NUMBER: 11CR20316-1

### **SPECIAL CONDITIONS OF SUPERVISION UNDER PROBATION**

- The defendant shall make monthly payments on any remaining balance of the: **fine** at a rate and schedule recommended by the Probation Department and approved by the Court.
- The defendant shall not incur any new credit charges or open additional lines of credit without the approval of the probation officer.
- The defendant shall provide the probation officer access to any requested financial information.

**The defendant shall voluntarily step down from any management level or executive position at Davalor Mold Corporation, and to relinquish any control of, or role in the management of quality control procedures, for the duration of his sentence, including any term of imprisonment, probation, or supervised release.**

**The defendant shall, for the duration of his sentence, allow representatives of the government, including the U.S. Attorney's Office, the Federal Bureau of Investigation, and the United States Probation Department full access to Davalor records and personnel for the purpose of determining his compliance with this agreement.**

**The defendant shall participate in the Home Confinement Program for a period of 90 consecutive days. During this time, you will remain at your place of residence except for employment and other activities approved in advance by your probation officer. You will maintain a telephone at your place of residence without "call forwarding", a modem, "Caller ID", "call waiting", or portable cordless telephones for the above period. At the direction of your probation officer, you shall wear an electronic monitoring device and follow electronic monitoring procedures specified by your probation officer. Due to the defendant's restitution obligation and inability to pay, the costs of electronic monitoring are waived.**

DEFENDANT: DAVID BERNHARDT  
CASE NUMBER: 11CR20316-1

### CRIMINAL MONETARY PENALTIES

	<b>Assessment</b>	<b>Fine</b>	<b>Restitution</b>
<b>TOTALS:</b>	\$ 100.00	\$ 40,000.00	\$ 0.00

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<b><u>Name of Payee</u></b>	<b><u>Total Loss*</u></b>	<b><u>Restitution Ordered</u></b>	<b><u>Priority or Percentage</u></b>
<b>TOTALS:</b>	\$ 0.00	\$ 0.00	

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: DAVID BERNHARDT  
CASE NUMBER: 11CR20316-1

**ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES**

Within 30 days of supervision, the defendant shall pay a fine in the amount of \$40,000.00. A special assessment of \$100.00 is ordered, and is due immediately.